

Entered - 03/15/01 - sb  
CL01L0176 - DIANNE C. MITCHELL

01-*R*0559

CLAIM OF: **YOLANDA TRUSSELL,**  
through her attorney,  
**Stephen V. Kern**  
**Eleven Piedmont Center, Suite 900**  
**3495 Piedmont Road, NE**  
**Atlanta, Georgia 30305**

For damages alleged to have been sustained as a result of personal injuries due to a fall in the North Terminal Parking Lot at the Atlanta Airport on September 1, 2000.

THIS ADVERSE REPORT IS APPROVED

CONSENT AGENDA

BY: *Rosalind Rubens Newell*  
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY**

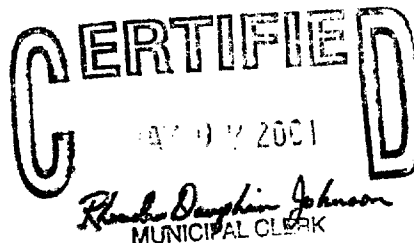
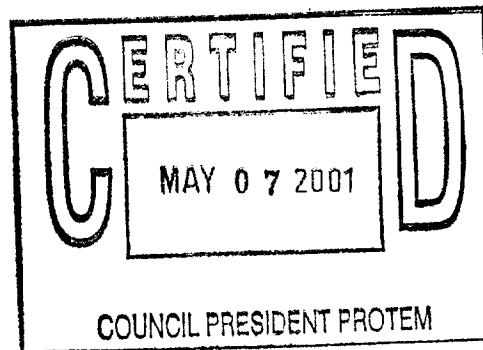
# ADVERSE REPORT

COM. *Public Safety*

DATE *4/12/01*

CHM. *C-T. May*

*Michael Paul*  
*Cela Trisler*  
*Almon*



ADVERSED BY  
CITY COUNCIL MAY 07 2001



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

May 15, 2001

Stephen V. Kern  
Attorney at Law  
3495 Piedmont Rd., NE  
Eleven Piedmont Center, Suite 900

**01-R-0559**

RE: Yolanda Trussell

Dear Ms. Trussell:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on May 07, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 01L0176

Date: March 22, 2001

Claimant /Victim YOLANDA TRUSSELL  
BY: (Atty) Stephen V. Kern  
Address: Eleven Piedmont Center, Suite 900, 3495 Piedmont Road, NE, Atlanta, Georgia 30305  
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated  
Date of Notice: 03/12/01 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 09/01/00 Place: Atlanta Airport  
Department Aviation Division:         
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: The claimant alleges she was injured when she fell in the stairwell while walking in the North Terminal Parking Lot. The claim has been forwarded to the insurance carrier, AIG Aviation, for handling.

**INVESTIGATION:**

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:  Concur/date 03-29-01  
Committee Action:        Council Action

KITCHENS KELLEY GAYNES, P.C.

ATTORNEYS AT LAW

ELEVEN PIEDMONT CENTER - SUITE 900

3495 PIEDMONT ROAD, N.E.

ATLANTA, GEORGIA 30305

TELEPHONE 404 237-4100

FACSIMILE 404 364-0126

STEPHEN V. KERN

March 8, 2001

*Mitchell*  
03/14/01  
*SK*

DIRECT DIAL  
404 467-7530

E-MAIL  
skern@kkgpc.com

VIA COURIER AND

CERTIFIED MAIL NO. P 970 997 530

RETURN RECEIPT REQUESTED

ENTERED - 3-15-01 - SB

01L0176 - DIANNE MITCHELL

The Honorable Bill Campbell  
Mayor of the City of Atlanta  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303-3520

RE: Yolanda Trussell; File No.7691.1

Dear Mayor Campbell:

The undersigned represents Yolanda Trussell in connection with injuries she sustained when she fell in a wet stairwell located in the daily parking lot near the north terminal at Hartsfield International Airport at approximately 7:30 a.m. on September 1, 2000.

The negligence that caused the injury was the city's failure to properly maintain the stairwell, for maintaining a hazardous and treacherous condition in the stairwell, for allowing water to accumulate and create a hazardous condition, and for failing to warn of the hazard.

Ms. Trussell may assert an action for personal injuries she sustained as a result of this fall. Ms. Trussell sustained serious injuries, including multiple leg fractures, which required emergency surgery at South Fulton Medical Center. The city's insurer has previously been placed on notice and has information relating to Ms. Trussell's injuries.

Ms. Trussell hereby submits her claim for adjustment. If further details are necessary beyond those previously provided, a representative of the city should contact the undersigned.

With kind regards, I am

Very truly yours,

01-R-0559

*Stephen V. Kern*  
Stephen V. Kern

SVK:RHB

cc: Ms. Yolanda Trussell

Ms. Cindy Poortinga, AIG Aviation

*President Pro Tem Bond Presided*

RCS# 2838  
5/07/01  
4:44 PM

Atlanta City Council

Regular Session

CONSENT

PAGES 1 THRU 13

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0610

CONSENT

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**05/07/01 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 00-O-0264
2. 01-O-0603
3. 01-O-0604
4. 01-O-0612
5. 01-O-0529
6. 01-O-0608
7. 01-O-0623
8. 01-O-0624
9. 01-O-0593
10. 01-O-0482
11. 01-O-0548
12. 00-O-2056
13. 01-R-0575
14. 01-R-0576
15. 01-R-0577
16. 01-R-0578
17. 01-R-0579
18. 01-R-0580
19. 01-R-0648
20. 01-R-0581
21. 01-R-0574
22. 01-R-0594
23. 01-R-0595
24. 01-R-0617
25. 01-R-0491
26. 01-R-0571
27. 01-R-0572
28. 01-R-0602
29. 01-R-0565
30. 01-R-0644
31. 01-R-0552
32. 01-R-0553
33. 01-R-0554
34. 01-R-0555
35. 01-R-0556

**ITEMS ADVERSED  
ON CONSENT AGENDA**

36. 01-R-0557
  37. 01-R-0558
  38. 01-R-0559
  39. 01-R-0560
  40. 01-R-0561
  41. 01-R-0562
  42. 01-R-0563
  43. 01-R-0564
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